

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES ERIC LOFTED §
VS. § CIVIL ACTION NO. 1:15-CV-120
TDCJ-ID ADMINISTRATION, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, James Eric LOFTED, a prisoner currently confined at the Alfred Unit in Iowa Park, Texas, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against defendants TDCJ-ID Administration and the Unit Mailroom.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

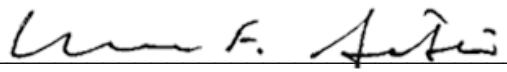
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains actions taken by TDCJ officials at the Alfred Unit where he is currently housed. The Alfred Unit is located in Iowa Park, Texas and it would appear a substantial part of the events or omissions giving rise to his claims occurred in the Northern District of Texas, Wichita Falls Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C.

§ 1406(a). Plaintiff’s claims should be transferred to the Northern District of Texas, Wichita Falls Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 30 day of March, 2015.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE